

## **IN THE DRAWINGS**

FIG. 1 is amended to rearrange references numbers 10 and 20 to more clearly denote what is on the front and rear substrates.

## **REMARKS**

The Examiner is thanked for the thorough examination of the above-referenced patent application and the reconsideration/withdrawal of the prior rejections. The Office Action, however, has continued to reject all examined claims 12, 13, and 22 on new grounds. Applicant requests reconsideration and withdrawal of the rejections for at least the reasons that follow.

### **Piecemeal Examination**

Applicant respectfully reminds the Examiner of the MPEP admonition against piecemeal examination (MPEP 707.07(g)). An RCE has been filed and the present Office Action is the fourth action received in this application. Like the last Office Action, the present Office Action has rejected the claims again on new grounds, and again citing new prior art. This examination approach has imposed undue cost on the Applicant and has unduly added to the pendency of this application. The present Office Action also raises, for the first time, a drawing objection. In addition to the MPEP's admonition against piecemeal examination, Applicant also notes that the MPEP requires the initial search to be complete, so as to cover not only that which is claimed, but that which may reasonably be claimed based on the teachings of the specification (*see e.g.*, MPEP 904 et. seq.).

### **Drawing Objections**

The Office Action objected to FIG. 1, alleging for the first time during this prosecution that the drawing needs to be corrected to clearly show what is on the front and rear substrate. In response, Applicant has Figure 1 has been amended to clearly mark what is on the rear and front substrate, by rearranging reference numbers 10 and 20.

Applicant notes, however, that FIG. 1 is merely illustrating related art, and not the embodiments of the present invention. As such, no amendments should be required in order for this application to be in compliance with all statutory requirements.

### **Rejection Under 35 U.S.C 112**

Claim 22 stands rejected under U.S.C 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleged that claim 22 “contains the following subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention: a) the bus electrode comprises non-transparent bus electrode material or black matrix material.” Applicant respectfully requests reconsideration and withdrawal of this rejection, as the specification discloses that the bus electrode may comprise metal or conductive materials.

In accordance with the description provided in the present application “...alignment patterns, corresponding to the hexagonal honeycomb patterns 302, on the non-display area 320 of the front substrate 120 are also simultaneously formed with the non-transparent material fabrication, such as the bus electrode or black matrix fabrication” (See page 6, lines 21-25 of the specification), both of the bus electrode and the black matrix are composed of non-transparent materials and their materials may be the same. Thus, Applicant asserts that the bus electrode comprises non-transparent bus electrode material or black matrix material is corrected.

For at least this reason, the rejection under 35 U.S.C. § 112 should be withdrawn.

### **Rejection Under 35 U.S.C 103(a)**

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Yoon et al. (US 7,098,594) in view of Choi (US 6,806,645). Applicant respectfully requests reconsideration and withdrawal of the rejections made by the examiner for at least the reasons discussed below.

### **Yoon is not Prior Art to the Present Application**

First, Applicant notes that the claimed invention was both conceived and reduced to practice before the Dec 1, 2003, U.S. filing date of Yoon. "The effective date of a U.S. patent, U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. 102(e). Prior invention may not be established under this section in any country other than the United States, a NAFTA country, or a WTO member country." However, Yoon it has a US filing date of December 1, 2003, which is after the date of invention of the present application.

In this regard, the claimed invention of the present application was both conceived and reduced to practice prior to the December 1, 2003 filing date of Yoon. To this end, Applicant submits herewith a declaration under 37 CFR §1.131, signed by the inventors of the present application. The accompanying declaration attaches an invention disclosure document that was submitted by (or on behalf of) the inventors to AU Optronics Corp., which documented invention of the embodiments of the present application. Although the invention disclosure document is largely in the Chinese language, it is sufficient to evidence

the statements in the accompanying declaration, as drawings and dates are clearly shown in that document.

Although Yoon has a foreign application priority date (KR) of January 1, 2003, MPEP 706.02 (Rejection on Prior Art - V determining the effective filing date of the application) states: "(C) If the application claims foreign priority under 35 U.S.C. 119(a)-(d) or 365(a) or (b), the effective filing date is the filing date of the U.S. application, unless situation (A) or (B) as set forth above applies. The filing date of the foreign priority document is not the effective filing date, although the filing date of the foreign priority document may be used to overcome certain references. See MPEP § 706.02(b) and § 2136.05."

Accordingly, the foreign priority date of Yoon does not alter its earliest effective filing date of December 1, 2003. Consequently, Yoon is not prior art to the present invention. For at least this reason, all rejections should be withdrawn.

**Choi fails to teach a transparent electrode isolated from bus electrode.**

As a separate and independent basis for the patentability of all claims, Applicant submits that Choi fails to teach or suggest a transparent electrode isolated from the bus electrode. In this regard, independent claim 12 recites:

12. A plasma display panel (PDP), comprising:  
***a front substrate having a bus electrode and a first pattern comprising at least one line segment isolated from the bus electrode, the at least one line segment installed on the predetermined assembling position thereof;*** and  
a rear substrate having a second pattern comprising at least one hexagonal honeycomb pattern formed with rib barriers installed on the predetermined assembling position thereof, wherein the projection of the line segment is substantially parallel to at least one side of the hexagonal honeycomb pattern with a predetermined distance therebetween.

(*Emphasis added*). Claim 12 patently defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

As reflected above, claim 12 recites a front substrate having a bus electrode and a first pattern comprising at least one line segment isolated from the bus electrode, the at least one line segment installed on the predetermined assembling position thereof, and a rear substrate having a second pattern comprising at least one hexagonal honeycomb pattern formed with rib barriers installed on the predetermined assembling position thereof. It is therefore clear that the first pattern (transparent electrode) and the bus electrode are separated.

In contrast, Choi teaches "...the first projection electrode 42b projecting alternatively from the scan electrode line 42a (bus electrode) in both directions perpendicular to the scan electrode line 42a, and the first transparent electrode 42c connected to the first projection electrode 42b and formed extending to the neighboring discharge cells around the delta type barrier rib 46" (See FIG. 5 to FIG. 7 and column 5, lines 47-51). Moreover, the view of FIG. 6 and the view of FIG. 7 are shown in FIG. 5. Thus, the first transparent electrode 42c is connected to the scan electrode line 42a (bus electrode). Clearly, the cited reference fails to disclose a transparent electrode isolated from bus electrode and has offered no different explanation in connection with FIGs. 5 to 7. For at least this reason, the rejection of claim 12 should be withdrawn.

In addition, Choi teaches "...the delta type barrier rib 24c (hexagonal honeycomb pattern) makes it difficult to secure the discharge space due to a tendency toward the high definition of the PDP, so that the discharge efficiency is reduced..." (See FIG. 3 and

column 3, lines 9-12). Clearly, Choi considers that the delta type barrier rib 24c (hexagonal honeycomb pattern) is improper, thereby teaching away the present invention.

Accordingly, even if properly combined, the combination of the cited references fails to disclose all the limitations of claim 12. Therefore, claim 12 is allowable over the cited references. Insofar as claims 13 and 22 depend from claim 12, these claims are also allowable.

As a separate and independent basis for the patentability of all claims, Applicant submits that the combination of Yoon and Choi does not render the claims obvious. In this regard, the Office Action combined Choi with Yoon to reject the claims on the solely expressed basis that “it would have been obvious ... because it aids in improving discharge efficiency.” (see e.g., Office Action, p. 5)

This rationale is both incomplete and improper in view of the established standards for rejections under 35 U.S.C. § 103.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

...

#### BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and

(D) Reasonable expectation of success is the standard with which obviousness is determined.

Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

The foregoing approach to obviousness determinations was recently confirmed by the United States Supreme Court decision in *KSR INTERNATIONAL CO. V. TELEFLEX INC. ET AL.* 550 U.S. \_\_\_\_ (2007)(No. 04-1350, slip opinion, p. 2), where the Court stated:

In *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1 (1966), the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in *Hotchkiss v. Greenwood*, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15–17. The analysis is objective:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *Id.*, at 17–18.

Simply stated, the Office Action has failed to at least (1) ascertain the differences between the prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references (i.e., improving discharge efficiency) embodies clear and improper subjective hindsight rationale. For at least these additional reasons, Applicant submits that the rejections of all claims are improper and should be withdrawn.



Accordingly, applicant respectfully submits that the cited references fail to disclose all the limitations of claim 12. Therefore, claim 12 is allowable over the cited references. Insofar as claims 13 and 22 depend from claim 12, these claims are also allowable.

Although claims 14-21 have tentatively been withdrawn from consideration, with the allowance of claim 12, the Examiner should consider and allow claims 14-21.

No fee is believed to be due in connection with this submission. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Deposit Account No. 20-0778.

Respectfully submitted,

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